

MINUTES

UTAH BOARD OF NURSING

SEPTEMBER 28, 2007

**Room 474 – 4th Floor –8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 4:04 p.m.

Bureau Manager:
Secretary:

Laura Poe
Shirlene Kimball

Conducting:

Pam Rice

Board Members Present:

Diane Forster-Burke
Pam Rice
Barbara Jeffries
Debra Schilleman
Marie Partridge
John Killpack
Laurie Simonsen
Susan Kirby
Peggy Brown
Mary Williams

Board Members Excused:

Joel Allred

Division Staff:

David Stanley, Division Director
Diana Baker, Bureau Manager
Irene Gayheart, Investigator
Connie Call, Discipline Specialist

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

Administer Oath of Office to John Killpack,
new Board member:

August 24, 2007 Minutes:

Connie Call – Discipline Report:

DECISIONS AND RECOMMENDATIONS

Ms. Poe administered the Oath of Office to Mr. Killpack. Mr. Killpack was welcomed by Board members.

The minutes were approved with corrections. All Board members in favor.

The report is attached to the minutes. Ms. Call reported Jean Olsen has requested an indefinite

suspension and the Division will prepare the Order for her signature.

Report from Education Committee:

Ms. Forster-Burke reported Committee members met with representatives from Stevens Henager College. The College is waiting for approval to begin the 1st cohort of students. They would like to start October 15, 2007. The Committee will meet October 3, 2007 to thoroughly review the information presented today. Ms. Kirby made a Motion to have the Education Committee review the information and curriculum and to make recommendations regarding the program to the Division. Ms. Jeffries seconded the Motion. All Board members in favor.

Divided into two groups at 9:20 a.m.:

Group 1
Conducting: Marie Partridge
Secretary: Shirlene Kimball

Members present: Ms. Forster-Burke, Ms. Partridge, Dr. Williams and Mr. Killpack.

Janet Miller,
Annual Interview:

Ms. Miller reported she is doing well. Her probation is scheduled to terminate in October. She indicated she knows she has a chronic disease and will need to be very careful to maintain sobriety. She stated she will keep her sponsor and continue to attend 12-step meetings after the probation is terminated. Ms. Miller is in compliance with the terms and conditions of her Order.

Karen Strickland,
New Order:

Ms. Strickland explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of her Order. She indicated she does not have a prescribing practitioner but will let the Board know when she has found one.

Keith Moslak,
Annual Interview:

Mr. Moslak stated things are going better now than they have in several years. He stated he has been clean since May 17, 2006 and indicated he has infrequent thoughts of relapse. He stated he has not relapsed. Mr. Moslak indicated he is not taking any medications that have not been lawfully prescribed for him. Mr. Moslak questioned whether or not he could work more than 48 hours per week. Committee members explained the reason why there is a maximum number of hours set while on probation. Mr. Moslak also

stated he would like to work at an agency where he would be assigned to work at the same facility for three months at a time. Committee members indicated the Order does not allow for agency work, however, he can make a request to change his Order.

Karen Baker,
New Order:

Ms. Baker explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of her Order. Ms. Baker indicated she had been in Diversion, and while in Diversion she had access to controlled substances. Ms. Baker is requesting her Order be amended to allow her access to controlled substances. Committee members indicated she can make the request; however, the Board would like to monitor her for a period of time without access before granting the request. She needs to make sure her employer and her supervisor understand she does not have access to controlled substances. She stated she has not provided the supervisor with a copy of the Order yet because she thought the Order could be amended to allow her access. Committee members indicated she needs to have the employer submit a letter stating he/she has read the Order and understands the terms and conditions of the Order. Committee members also indicated she will need to have an evaluation done by someone other than the therapist she is currently seeing. She stated she has no thoughts of relapse and has not relapsed. She stated she is not taking any medications not lawfully prescribed for her. She stated she has been clean since June 21, 2007. Her prescribing practitioner is Margaret Lund and her pharmacy is Cosco in Murray. She is out of compliance because she continued to work with access to controlled substances after her Order was signed and because she has not informed her employer of the Order. She indicated that during the winter, she will also work at Brighton Ski Resort Clinic one day a week. Committee members indicated she must have supervision and must inform the employer and have them submit a report.

Rhandi Robertson,
New Order:

Ms. Robertson explained the circumstances that brought her before the Board. She stated she does not have an addiction problem. Ms. Robertson stated her prescribing practitioner will be William Preston

and the pharmacy will be Rock Canyon Pharmacy. Committee members questioned why Ms. Robertson continued to work as a nurse at the Huntsman Cancer Center after her license had been suspended. Ms. Robertson stated she had misunderstood the terms of the suspension, but stated she now understands. She indicated she has completed her evaluations and understands the suspension will remain in place until those evaluations are received and reviewed by the Board.

Rocky Fritts,
New Order:

Mr. Fritts explained the circumstances that brought him before the Board. His license is currently suspended and stated he understands the license will remain suspended until the evaluation has been received and reviewed. Committee members indicated the Board will follow the recommendations of the evaluator. Mr. Fritts stated he understands the terms and conditions of his Order.

Group 2
Conducting: Barbara Jeffries
Secretary: Connie Call

Betty Long,
New Order:

Ms. Long was interviewed by Ms. Jeffries. Ms. Long explained the circumstances that brought her before the Board. She entered Odyssey House on September 10, 2007. She stated she attends behavior modification groups 4 times a week. She stated she has been clean since September 7, 2007. Board members would like to see her at the completion of her treatment at Odyssey House.

Blaine Campbell,
Annual Interview:

Mr. Campbell was interviewed by Ms. Rice. Mr. Campbell stated he is working at South Valley Care Center and indicated he is doing well. He appears to be in compliance with the terms and conditions of his Order.

Donna Cook,
Annual Interview:

Ms. Cook was interviewed by Ms. Kirby. Ms. Cook stated she is doing well, and has been clean for 6 years. She stated she has no thoughts of relapse and has not relapsed. Ms. Cook appears to be in compliance with the terms and conditions of her Order.

Robert Adams,
New Order:

Mr. Adams was interviewed by Ms. Simonsen. He explained the circumstances that brought him before the Board. He questioned whether or not he needs to attend PIR meetings. Committee members indicated the evaluation needs to be received and reviewed before it is determined whether or not he needs to attend. He stated he has been clean since September 11, 2007. He was instructed to sign up with Compass Vision immediately. He stated he understands the terms and conditions of his Order.

Wendy Medford,
New Order

Ms. Medford was interviewed by Ms. Schilleman. She explained the circumstances that brought her before the Board. She submitted her self assessment and employer evaluation for October. She indicated she is employed at the University of Utah Hospital and has an excellent support group there. Ms. Medford stated she understands the terms and conditions of her Order.

Dorothy Evans,
New Order:

Ms. Evans was interviewed by Ms. Brown. Ms. Evans explained the circumstances that brought her before the Board. She is working at a home health agency and Committee members indicated she must find other employment. Ms. Evans stated she understands the terms and conditions of her Order.

Christine Bulloch,
Annual Interview:

Ms. Bulloch canceled her appointment and will be scheduled for next month.

Jean Olsen,
New Order:

Ms. Olsen was interviewed by Ms. Kirby. Ms. Olsen indicated she would like to have her license placed on an indefinite suspension. She claims she is non-compliant because of her circumstances and not by choice.

Reconvened to full Board at 11:40 a.m.

TOTAL BOARD BUSINESS:

M. Kay Tate, request for re-licensure:

Ms. Tate met with the Board in June. Her request had been tabled until additional information was received from the court and this information has been received. Ms. Tate stated she has been clean since June 14, 2005 and stated she has no thoughts of relapse and has not relapsed. She indicated she attends two to three 12-step meetings per week. She stated she last practiced

as a nurse Spring 2001 and therefore she will need to take the NCLEX examination. Ms. Forster-Burke made a Motion to allow her to take the NCLEX examination. Upon passing the examination her license will be placed on a five year probation with the standard terms and conditions. Ms. Jeffries seconded the Motion. All Board members in favor.

Cesar Garcia, New Applicant:

Mr. Garcia submitted an application for licensure and answered yes to several questions on the qualifying questionnaire. Mr. Garcia explained the circumstances that brought him before the Board and his past criminal history of enticing a minor over the internet. He stated he completed a one year treatment program through ISAT, received counseling and completed 3 months of aftercare. The psychosexual evaluation indicated there was concern with Mr. Garcia's defensiveness since he had completed a treatment program. Dr. Byrne recommended Mr. Garcia complete another evaluation and additional treatment. Board members questioned if he has mechanisms in place to avoid the situation that brought him before the Board. Mr. Garcia indicated he is now married and has made numerous life changes. He indicated he has immigration issues and is working on those issues. Ms. Forster-Burke made a Motion to table the application until Mr. Garcia has completed another evaluation and treatment program. Board members indicated Mr. Garcia will need to contact Dr. Byrne for suggestions of three individuals to complete the evaluation, chose one and contact the Division to make sure the evaluator is acceptable. Once he has started treatment and the Board has received a letter indicating he is in treatment with an explanation of what the treatment will be, he will be allowed to take the NCLEX exam. Once he has passed the examination and has completed the treatment program and submitted the evaluation for review, the Board will determine whether or not to issue the license with or without restrictions. Ms. Jeffries seconded the Motion. All Board members in favor.

Adjourned to lunch at 12:30 p.m.
Reconvened at 1:00 p.m.

Marsha Taylor, request for re-licensure:

Ms. Taylor met with the Board in June and the

Lillian Howell, request to lift indefinite suspension:

application was tabled until additional urine screens had been recorded. The additional urine screens have been negative and Ms. Jeffries made a Motion to allow Ms. Taylor to sit for the NCLEX examination. Upon passing the examination, issue a license on a 5 year probation with the standard terms and conditions. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Ms. Howell was seen by the Board last month and Board members requested further clarification from Dr. Snyder. Dr. Snyder had indicated in his report to the Board Ms. Howell was not ready to return to work and would need to attend a neurological rehab clinic. Ms. Howell stated Dr. Sharp had indicated to her that she was ready to return to work. Dr. Sharp submitted a letter of clarification indicating Ms. Howell would not need to go the neurological rehab clinic because she had mechanisms in place to help her cope with her memory loss. Ms. Howell stated she has not missed calling CVI since she learned they keep track of the phone calls. She stated she does not know why her March urine screen was positive other than she had taken cold medicine. Board members request Ms. Howell obtain a physical evaluation as outlined in her Order. Ms. Howell stated she does not feel she is being treated fairly by the Board, and every time she meets with the Board, additional documentation is requested. She indicated she had not been informed she needed to complete a physical and has seen her physician for numerous different health problems. She indicated she has had a recent physical evaluation by Dr. Sharp. Board members indicated Dr. Sharp did not report on a physical evaluation. Board members requested Ms. Howell have Dr. Sharp submit a standard physical exam report to the Board. Ms. Howell questioned why the physical exam was not request last month by the Board? Board members indicated the focus of that meeting had been on the neurological evaluation. Ms. Brown questioned where she would like to work? Ms. Howell expressed frustration and questioned once she receives the physical exam report, what else will the Board require? Ms. Forster-Burke indicated once the physical evaluation is received, the Board can take action without her being at the meeting. Board

members indicated she needs to take responsibility and stop blaming the Board and others for her suspension. Board members expressed concern and discussed whether or not to give her a probationary license with limited practice once the physical evaluation is received. Dr. Williams made a Motion that upon receipt of a successful physical exam from Dr. Sharp, lift the indefinite suspension and place on a 5 year probation with terms and conditions. The terms and conditions would include restriction from direct patient contact for a period of six months based on the evaluation received from Dr. Snyder. Then after the 6 months, reevaluate her progress based on employer reports of cognitive and organizational ability. The standard terms and conditions will also be placed on the license. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Melisa Hess, request for re-licensure:

Ms. Hess met with the Board to request re-licensure. Mariann Craven appeared with her. Ms. Hess explained why she lost her license. She stated she has been through treatment and continues in counseling. She stated she sees a substance abuse counselor once a week and her goal is to work in nursing. Ms. Hess stated she completed her treatment program November 2006. She stated she has been clean 2 years. She indicated she takes a narcotic medication for pain caused by a disk in her neck and foot surgery. She explained that her neighbor has the medication and if she needs the medications for pain relief, she has to go to the neighbor with her husband and ask for the medication. A review of her controlled substance data base indicates she has received numerous controlled substance medications from five different physicians. She indicated the physicians are all in the same office, with the exception of the physician she saw for foot surgery. Board members expressed concern that she talks about recovery, but has been taking a lot of prescription pain medication and receiving the prescriptions from a lot of different prescribers. Ms. Hess stated she never took street drugs; she only took those medications that were prescribed by a physician. Board members questioned if that makes it okay and questioned where she is in recovery. She stated she does not keep the medications in her home. She stated she no longer

needs the pain medication for her foot, but does occasionally need it for her neck pain. She stated now her only prescription is for percocet and that is at the neighbors. Board members expressed concern that she is having the Orthopedic Clinic prescribe her second drug of choice. Ms. Hess then stated she did feel like she had a relapse, and started attending 90 meetings in 90 days. She stated she does not know what to do with legitimate pain. She stated she last took a narcotic about a week ago for neck pain and only takes one or two a week. Board members questioned what is different this time? She stated last time she was in denial, today she accepts that fact she has a disease and doesn't go to the doctor unless she has serious pain. She stated her urine screens would be clean now. Board members questioned why go back to nursing where there are narcotics? She stated she feels like she can practice nursing with safely with the appropriate guards. Board members expressed concern with the number of narcotics she has taken with her foot. Board members indicated they would like to see a pattern of not using prescription medications for a period of time because it appears she is still addicted to the pain medications. Board members would like to see a change in this pattern. Ms. Jeffries made a Motion to have Ms. Hess document at least one year of sobriety before considering her request. She will need to provide evidence of a period of one year of negative urine screens thru CVI. Ms. Schilleman seconded the Motion. All Board members in favor.

John Paulsen, request for re-licensure:

Ms. Kirby conducted the interview. Mr. Paulsen stated he completed rehab two years ago. He indicated to maintain sobriety he talks with his family and attends church, but has not attended 12-step meetings, or aftercare. He admitted to being a drug addict. His last evaluation was in 2004 and he does not have a current evaluation. A letter was received from Dr. Burton, a general practitioner who stated he was seeing Mr. Paulsen for medical treatment and to prescribe medications. Dr. Burton does not provide aftercare for the addiction. He stated he is taking approximately four pain pills per day. He indicated he has been referred to a pain clinic and will begin attending in October. He stated he is seeing a new

physician and Board members indicated they would like to have a letter sent from Dr. Roberts, the new practitioner with a physical evaluation. Ms. Forster-Burke indicated he needs to provide a paper trail for the Board to review. He will need to have random urine screens, complete a current evaluation and follow the recommendations from the evaluation. Mr. Paulsen stated he has a problem with urine screens because they are too expensive. Board members indicated that without the urine screens he would not be able to get the license back. Board members also indicated they would like to see him move away from the current pain medication he is taking and to be seen at the pain clinic for treatment. Board members indicated they would like to see one year documented clean urine screens before they would consider returning the license.

Andrew Decker, request for licensure:

Mr. Decker had been required to document one year of sobriety before he could reapply for an RN license. He had to document six months sobriety to be allowed to sit for the NCLEX examination. He is requesting he be allowed to sit for the NCLEX examination and has documented eight months of sobriety. He is currently employed as a medical assistant and attends 12-step meetings. He completed treatment at Dayspring and stated he knows he is an addict and that addiction includes alcohol. He stated he has not had a drink in over a year. Ms. Jeffries made a Motion to allow him to take the NCLEX-RN examination and upon successfully passing and after the one year of clean urine screens, place his license on a 5 year probation with the standard terms and conditions. The Motion was seconded. All Board members in favor. December 13, 2007 will be the one year date.

Report from Probation Peer Committee:

Janet Miller: Ms. Miller has completed her 5 year probation and the probation will be terminated.

Karen Baker: Ms. Baker requested that her access to controlled substances be returned. A Motion was made to deny the request. Ms. Baker just began the probation and Board members would like to monitor her without access for a period of time. The Motion was seconded. Ms. Jeffries abstained. All other Board members in favor. Ms. Baker continued to

work with access to controlled substances after her Order was signed and is out of compliance with her Order. She also failed to inform her employer of her Order.

Betty Long: Ms. Long is currently in treatment at Odyssey House. She will be seen by the Board once she had completed the treatment program, in about 6 months.

Camille Porter, request for termination of probation:

A Motion was made to deny the request. Board members indicated the fourth year is critical in recovery and Board members would like to continue to monitor Ms. Porter. The Motion was seconded. Ms. Partridge abstained. All other Board members in favor.

Kiley McClain, request for termination of probation:

Ms. Forster-Burke made a Motion to approve the request for termination of probation. Ms. Jeffries seconded the Motion. All Board members in favor.

Stacy Roberts, request for access to controlled substances:

Dr. Williams made a Motion to approve her request for access to controlled substances to be returned. Ms. Partridge seconded the Motion. All Board members in favor.

Sandy Snow, request for termination of probation:

Ms. Schilleman made a Motion to terminate the probation. The Motion was seconded. All Board members in favor.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 26, 2007
Date Approved

(ss) Pam Rice
Pam Rice, Chair Board of Nursing

October 26, 2007
Date Approved

(ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational & Professional Licensing